Minute No. 443
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2017

Item No. 16 **Land Exchange of City-owned Land at the Rear of 650 Beecher Avenue – Parcel B, Plan 29263 with Land Required for Street Widening at 650 Beecher Avenue (Old Kildonan Ward)**

COUNCIL DECISION:

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

1. That the City-owned property identified as "Subject City Property Proposed Land Exchange" shown on the attached Misc. Plan No. 8263/4 be declared surplus to the needs of the City.

2. Subject to the approval of Recommendation #1 above, that the proposed exchange of land shown as "Subject City Property Proposed Land Exchange" – Land to be conveyed to the property owners of 650 Beecher Avenue, and "Proposed Widening" - Land to be conveyed to the City, as shown on attached Misc. Plan No. 8263/4, at a price of $1.00, be approved in accordance with the proposed terms and conditions outlined on the attached Schedule "A".

3. That the City enter into, execute and deliver a Land Exchange Agreement with Mladen Zorica and Janet Zorica, the owners of 650 Beecher Avenue, and such other agreements as determined necessary by the Director of Legal Services and City Solicitor to implement the intent of the foregoing (the "Ancillary Agreements").

4. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Land Exchange Agreement and any Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

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

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 14, 2017, 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 June 6, 2017, 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: Land Exchange of City-owned Land at the Rear of 650 Beecher Avenue – Parcel B, Plan 29263 with Land Required for Street Widening at 650 Beecher Avenue

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Lucyk	J. Kiernan	N/A	D. McNeil

EXECUTIVE SUMMARY

Negotiations for a land exchange with the property owners of 650 Beecher Avenue are now complete and approval of the recommendations by Council will enable the transaction to be concluded, as well as facilitate the future widening of Beecher Avenue at this location.

RECOMMENDATIONS

1. That the City-owned property identified as “Subject City Property Proposed Land Exchange” shown on the attached Misc. Plan No. 8263/4 be declared surplus to the needs of the City.

2. Subject to the approval of Recommendation #1 above, that the proposed exchange of land shown as “Subject City Property Proposed Land Exchange” – Land to be conveyed to the property owners of 650 Beecher Avenue, and “Proposed Widening” - Land to be conveyed to the City, as shown on attached Misc. Plan No. 8263/4, at a price of $1.00, be approved in accordance with the proposed terms and conditions outlined on the attached Schedule “A”.

3. That the City enter into, execute and deliver a Land Exchange Agreement with Mladen Zorica and Janet Zorica, the owners of 650 Beecher Avenue, and such other agreements as determined necessary by the Director of Legal Services and City Solicitor to implement the intent of the foregoing (the “Ancillary Agreements”).

4. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Land Exchange Agreement and any Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

5. 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

As per City policy for the Sale, Acquisition, Rental, Leasing and Management of Properties, (adopted July 18, 1979 and subsequently amended), Council approval is required to declare City property surplus and approve the standard terms and conditions of land sales and acquisitions.

IMPLICATIONS OF THE RECOMMENDATIONS

- There are no regulatory or human resource implications associated with this report.
- Negotiations for the land exchange with the property owner of 650 Beecher Avenue are now complete and approval by Council will enable the transaction to proceed.
- The proposed land exchange is in accordance with the "Offer to Purchase City-owned Property Policy" where the Department may act on unsolicited offers for City-owned property when privately owned land is required by the City.

HISTORY/DISCUSSION

In 1991, as a result of a successful petition by the residents of Beecher Avenue for the installation of services (on a local improvement basis), the Public Works Department proceeded to make arrangements to carry out this request.

At the time, the District No. 3 Operations Department determined that the Beecher Avenue width was not sufficient to allow for the installation of services and therefore, it would be necessary to widen the right-of-way by 7 feet on both the North and South sides.

The Real Estate Division was then instructed to negotiate the acquisition of a 7-foot strip of frontage land, identified as "Proposed Widening" on Misc. Plan No. 8263/4, by way of exchange, for a part of the City lane, identified as "Subject City Property Proposed Land Exchange" on Misc. Plan No. 8263/4 located at the rear of 650 Beecher Avenue.

At that time, the owner of 650 Beecher Avenue declined the proposed land exchange with the City, stating they felt it was not equitable; the City, in turn, declined to offer any further compensation other than the land exchange, in order to be fair and consistent with those property owners on Beecher Avenue who had already agreed to the straight exchange.

The City then completed a survey plan and proceeded to incorporate into the Beecher Avenue plan those portions of the privately owned lands of the owners who had agreed to the exchange.

In December 2016, the new property owners of the 650 Beecher Avenue property contacted the Real Estate Division expressing interest in acquiring the “Subject City Property Proposed Land Exchange”, identified on Misc. Plan No. 8263/4, for consolidation with their current holdings, to be subdivided at a later date and offered for sale. Discussions of a possible land exchange were undertaken, and the property owners were amenable to a land exchange on the proposed terms and conditions set out in the attached Schedule “A”.

The proposed sale and exchange of the “Subject City Property Proposed Land Exchange” on Misc. Plan No. 8263/4 was circulated to all City Departments. No Civic use was identified and no objections were received.

The Department is seeking approval of the proposed Terms and Conditions of the land exchange as set out in the attached Schedule “A” negotiated with the property owners.

The Ward Councillor was consulted with in regards to the intentions of the Department.

FINANCIAL IMPACT

Financial Impact Statement Date: April 25, 2017

Project Name:

Proposed Land Exchange of City-owned Land at the Rear of 650 Beecher Avenue – Parcel B, Plan 29263 with Land Required for Street Widening at 650 Beecher Avenue

COMMENTS:

There are no material financial implications associated with the proposed land exchange.

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

CONSULTATION

This Report has been prepared in consultation with:

Legal Services as to legal issues
Public Works Department
Ward Councillor

OURWINNIPEG POLICY ALIGNMENT

This portion of the Templeton/Sinclair neighbourhood is designated as a Recent Community under the Complete Communities Direction Strategy. Policies which are relevant to this application are as follows:

1) Within Recent Communities, intense and diverse development will be encouraged in Centres and Corridors.

2) Improve the sustainability of recent residential neighbourhoods by promoting better walking, cycling and transit access to retail, employment and community facilities.

These land transfers will enable the completion of walkways along Beecher Avenue.

The proposed land use and site plan is consistent with OurWinnipeg and the Communities Direction Strategy.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate
Prepared by: Leah Furedi
Date: April 25, 2017
File No: 6026/27

Attachments: Schedule “A”

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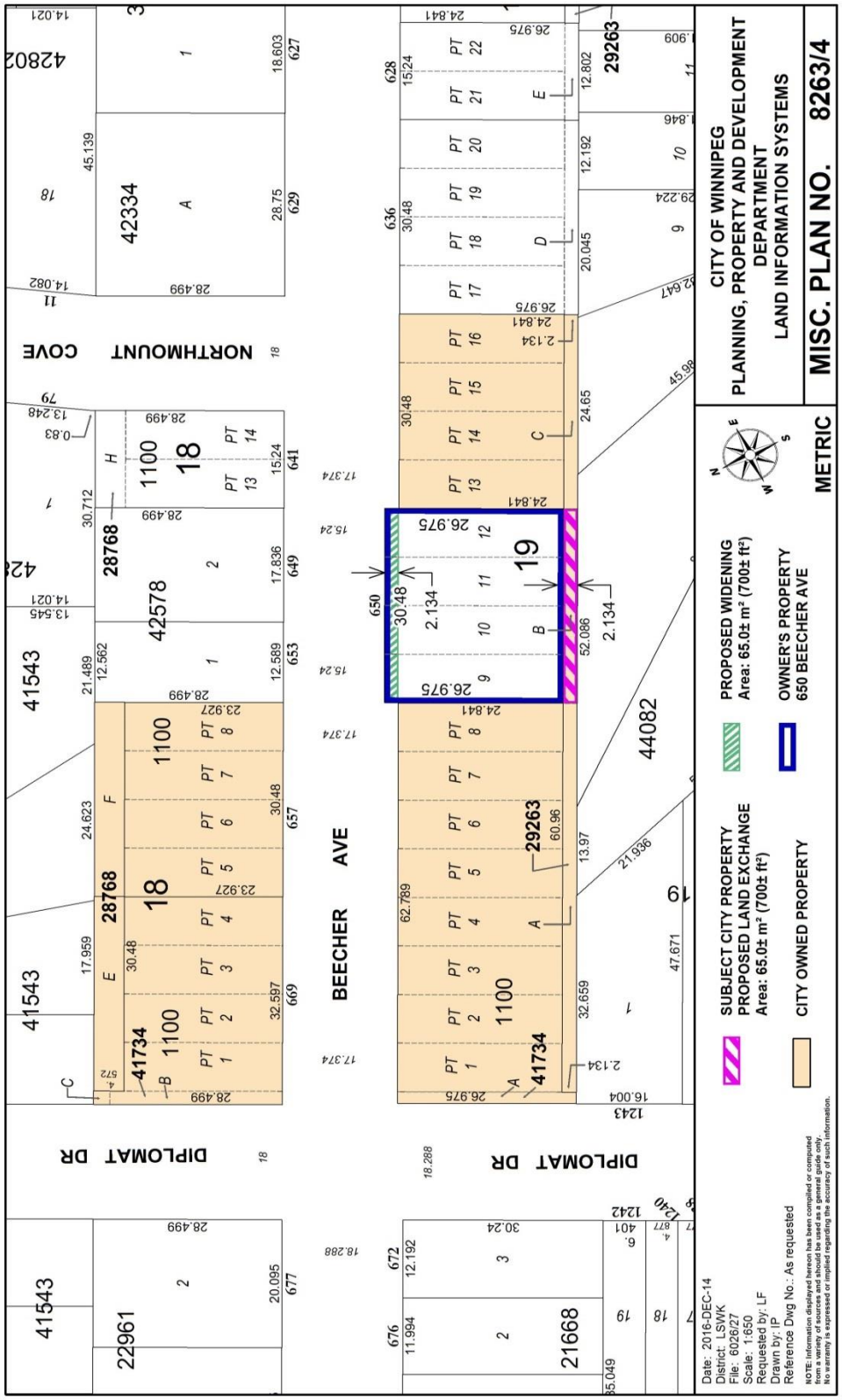
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT
DEPARTMENT
LAND INFORMATION SYSTEMS
MISC. PLAN NO. 8263/4
METRIC
PROPOSED WIDENING
Area: 65.0± m² (700± ft²)
OWNER'S PROPERTY
650 BEECHER AVE
SUBJECT CITY PROPERTY
PROPOSED LAND EXCHANGE
Area: 65.0± m² (700± ft²)
CITY OWNED PROPERTY
BEECHER AVE
DIPLOMAT DR
NORTHMOUNT COVE
Date: 2016-DEC-14
District: LSWK
File: 6026/27
Scale: 1:650
Requested by: LF
Drawn by: IP
Reference Dwg No.: As requested
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.

SCHEDULE "A"

Proposed Terms & Conditions of a Land Exchange Between M. & J. Zorica and the City of Winnipeg, Shown As, "Subject City Property Proposed Land Exchange" and "Proposed Widening", on Misc. Plan No. 8263/4

1. The City to transfer its land shown as "Subject City Property Proposed Land Exchange" on Misc. Plan 8263/4 for the sum of $1 in exchange for the owner's land shown as "Proposed Widening" on the said Misc. Plan.

2. The Owner to transfer the "Proposed Widening" land to the City free and clear of any liens, encumbrances or leasehold interests, excepting those standard utility agreements acceptable to the City and hereby consents to allow the City or other persons acting with its authorization to enter and construct upon the "Proposed Widening" at any time hereafter or on a mutually acceptable date.

3. The date of vacant possession and adjustment of taxes etc. to be the date that a Caveat is filed by the City in the Winnipeg Land Titles Office respecting a duly executed Land Exchange Agreement to be prepared by the City's Legal Services Branch regarding this transaction.

4. The City to transfer the "Subject City Property Proposed Land Exchange" to the Owner free and clear of any liens, encumbrances or leasehold interests, excepting standard utility agreements.

5. The Owner will, at its cost, cause to be prepared such survey plans as may be required to create title to the land comprising the widening requirement and dedicating it as public right-of-way to the City, along with any proposed plan of subdivision, which should include the consolidation of the conveyed "Subject City Property Proposed Land Exchange" lands with the Owner's current holdings.

6. This Land Exchange Agreement is subject to final approval by the City of Winnipeg's Council, or its delegated authority.

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

8. The Owner agrees to enter into an appropriate Land Exchange 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 City Solicitor. It is acknowledged that the Land Exchange Agreement may be filed as a Caveat against the owner's title pending registration of the necessary street opening plan.

9. The Owner agrees to consent on a Real Owner Application to add the City of Winnipeg as the Real Owner of the "Proposed Widening" on the Assessment Rolls of the City of Winnipeg.

10. The City's Goods and Services Tax Registrant No. is R121682967. The City will self-assess any G.S.T payable relating to its acquisition of the "Proposed Widening" requirement. To Assist the City in its reporting procedures, we will require that you supply the City with your G.S.T Registrant number (assuming you have one).

I, Mladen Zorica and Janet Zorica, the legally registered owners of the land shown identified as "Proposed Widening" on attached Misc. Plan 8263/4, hereby consent to the sale of the "Proposed Widening" in accordance with the proposed Land Exchange Agreement and terms and conditions outlined herein on Schedule "A".

March 2/17
DATE

Mladen Zorica

March 2/17
DATE

Janet Zorica