Minute No. 325
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 9, 2018

Item No. 14 Declaration of Surplus Land and Sale – City-owned Property Adjacent to 101 Creek Bend Road

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 located adjacent to 101 Creek Bend Road, identified as "Subject City Property" on Misc. Plan No. 15245 (the "City Property"), be declared surplus to the needs of the City.

2. That subject to the approval of Recommendation No. 1, the sale of the City Property to the owner of the adjacent property at 101 Creek Bend Road, for the price of $1.00, be approved with a reversionary right for the City to acquire the City Property for the price of $1.00 when it is required for the widening of Creek Bend Road.

3. That the City enter into, execute and deliver an Offer to Purchase that is in accordance with Recommendation No. 2 and such other ancillary agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That the Chief Administrative Officer be authorized to negotiate and approve the terms and conditions of the Offer to Purchase and any Ancillary Agreements in accordance with this report and such other terms and conditions determined 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 9, 2018

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 April 17, 2018, 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 April 9, 2018, 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 Declare the City-Owned Land Adjacent to 101 Creek Bend Road, (Lot A Plan 25566), Surplus to the City's Needs and Approval to Sell Lot A Plan 25566 to the Adjacent Property Owner.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

The owner of 101 Creek Bend Road is unable to obtain a building permit without access to a public right-of-way. Declaring the "Subject City Property" ("City Property") on Misc. Plan No. 15245 surplus will allow the Public Service to sell the land to the owner of 101 Creek Bend Road, who will then be able to meet the access requirements for a building permit.

The terms of the proposed sale will have a reversionary right for the City to reacquire the property for the price of $1.00 when the City Property is required for the widening of Creek Bend Road.

RECOMMENDATIONS

1. That the City-owned property located adjacent to 101 Creek Bend Road, identified as "Subject City Property" on Misc. Plan No. 15245 (the "City Property"), be declared surplus to the needs of the City.

2. That, subject to the approval of Recommendation No. 1, the sale of the City Property to the owner of the adjacent property at 101 Creek Bend Road, for the price of $1.00, be approved with a reversionary right for the City to acquire the City Property for the price of $1.00 when it is required for the widening of Creek Bend Road.

3. That the City enter into, execute and deliver an Offer to Purchase that is in accordance with Recommendation No. 2 and such other ancillary agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That, the Chief Administrative Officer be authorized to negotiate and approve the terms and conditions of the Offer to Purchase and any Ancillary Agreements in accordance with this report and such other terms and conditions determined 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

According to the "Policy for the Sale, Acquisition, Rental, Leasing and Management of Properties", Council approval is necessary to declare land surplus to the City's requirements.

The proposed transaction is a direct sale in accordance with the "Policy - Offers to Purchase City-Owned Property" whereby the City may act on unsolicited offers to purchase City-owned property from an adjacent existing owner when the property in question is not developable on its own.

The approval of the Standing Policy Committee on Property and Development, Heritage and Downtown Development is required for the sale of the City Property as the Offer to Purchase will include non-standard terms and conditions (conditions that include a reversionary right for the City to acquire the property back for $1.00 when required for future road widening).

IMPLICATIONS OF THE RECOMMENDATIONS

There are no regulatory or human resource implications associated with the report.

There are no direct financial implications associated with this recommendation.

The City's standard terms and conditions of sale will include provisions to protect the City's interests in the event contamination is discovered.

The declaration of surplus will allow the Public Service to sell the City Property to the adjacent owner, to meet access requirements for a building permit application on PT Lot 2 Plan 2321.

HISTORY/DISCUSSION

The City Property identified on the attached Misc. Plan No. 15245, was acquired by the City in 1987 for the widening of Creek Bend Road with the approval of the subdivision/rezoning under File DAZ 223/87.

The owner of 101 Creek Bend Road has further subdivided the property and is planning on building on the newly created lot shown as PT Lot 2 Plan 2321 on Misc. Plan No. 15245. To apply for a building permit on that lot, they require access to a public right-of-way, in this case Creek Bend Road.

City Departments were canvased to determine if they had any need or objection to declaring the City Property surplus to the City's needs.

Public Works has identified that they require the City Property to widen Creek Bend Road to an urban standard but has no intentions to do so in the short or medium term. Public Works would support a sale to the adjacent property owner provided the sale included a reversionary right for the City to acquire the City Property for $1.00 when the widening of Creek Bend Road is required.

The Ward Councillor was consulted and concurred with the intentions of the Pubic Service.

The Public Service has determined that selling the City Property for the price of $1.00 with a reversionary right that allows the City to reacquire the City Property when it is required for the widening of Creek Bend Road will allow the owner of 101 Creek Bend Road to apply for a building permit and does not compromise the City's future requirement to widen Creek Bend Road.

FINANCIAL IMPACT

Financial Impact Statement Date: March 6, 2018

Project Name:

To Obtain Council Approval to Declare the City-Owned Land Adjacent to 101 Creek Bend Road, (Lot A Plan 25566), Surplus to the City's Needs and Approval to Sell Lot A Plan 25566 to the Adjacent Property Owner.

COMMENTS:

There are no direct financial implications associated with this report.

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

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department (as to legal issues)
Ward Councillor

OURWINNIPEG POLICY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Tyler Miller
Date: March 12, 2018
File No: 9073

Attachments:

Schedule “A” – Misc Plan 15245

Schedule “A” – Misc Plan 15245

