Minute No. 225
Report - Standing Policy Committee on Property and Development - February 5, 2004

Item No. 5 **Exchange of Lands on the East Side of St. Mary's Road North of Warde Avenue with the Evangelical Mennonite Conference Files FI-2.4(35) and FI-2.4.4.1**

COUNCIL DECISION:

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

1. That the sale/exchange of lands with the Evangelical Mennonite Conference for the lands shown as "subject city property" and "proposed widening" on Misc. Plan No. 6976/2 be approved in accordance with the terms and conditions of the Offer to Purchase outlined in the administrative report dated January 30, 2004.

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 - February 5, 2004

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 February 18, 2004, 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 February 5, 2004, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: **Proposed Exchange of Lands on the East Side of St. Mary's Road North of Warde Avenue with the Evangelical Mennonite Conference**
Riel Community
St. Norbert Ward

For submission to: **Standing Policy Committee on Property and Development**

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

Report date: January 30, 2004

Recommendation(s):

That approval be given for the sale/exchange of lands with the Evangelical Mennonite Conference for the lands shown as "subject city property" and "proposed widening" on Misc. Plan No. 6976/2 in accordance with the terms and conditions of the attached Offer to Purchase.

REPORT SUMMARY

Key Issues:

- On July 12, 1989, Council enacted Closing By-law No. 5212/89 for the portion of Sonning Avenue, east of St. Mary's Road, shown as "street closing" on Misc. Plan No. 6976/1 and instructed that the lands comprising same or any parts thereof, be conveyed to such person or persons as the Committee on Finance and Administration may decide. The Department attempted to negotiate a sale of Parcel "A" to the adjacent owner to the north, but this sale never materialized.

- In 1988 the former Streets and Transportation Department identified a need for a six (6) foot street widening along St. Mary's Road. This proposed widening would also require the acquisition of lands on the front of the property located at 1991 St. Mary's Road.

- The adjacent property to the north located at 1991 St. Mary's Road subsequently was acquired by the Evangelical Mennonite Conference (EMC) organization for the purpose of building a church.

- On May 26, 2003, the Planning, Property and Development Department received a letter from the St. Vital Evangelical Mennonite Church (EMC) proposing an exchange of lands. The proposal stated that EMC would receive Parcel A Plan 24055, shown as subject city property on Misc. Plan No. 6976/2, from the City in exchange for the lands along the front of their property at 1991 St Mary's Road, shown as proposed widening on Misc. Plan No. 6976/2. The front six feet of the EMC property located at 1991 St Mary's Road is required by the City for the widening of St. Mary's Road.

Implications of the Recommendation(s):

The City would receive the land needed for the widening of St Mary's Road in front of 1991 St Mary's Road and the subject City property as shown on Misc. Plan No. 6976/2 would be transferred to EMC and be put on the tax roll.

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):

-

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):

-

REASON FOR THE REPORT:

On May 26, 2003, the Planning, Property and Development Department received a letter from the St. Vital EMC proposing an exchange of lands, whereby EMC would receive Parcel A Plan 24055, shown as subject city property on Misc. Plan No. 6976/2, from the City in exchange for the lands needed for the widening of St Mary's Road in front of 1991 St Mary's Road, shown as proposed widening on Misc. Plan No. 6976/2. The front six feet of the EMC property located at 1991 St Mary's Road is required by the City for the widening of St. Mary's Road. Standing Policy Committee on Property and Development approval is required for the exchange.

HISTORY:
The proposed closing of Sonning Avenue, as shown on Misc. Plan No. SBSV 6210/1, was originally requested by Qualico Developments in connection with the Company's application for subdivision and rezoning of the adjacent lands (DASZ 39/84).

On March 11th, 1986, the St. Boniface-St. Vital Community Committee approved the proposed closing, as originally intended and as shown on said Misc. Plan No. SBSV 6210/1.
On April 14th, 1986, the Committee on Environment approved the proposed closing as to planning considerations.

In April 1986, due to the continued need by Manitoba Hydro for access over part of Sonning Avenue to the Hydro substation at the northeast corner of St. Mary's Road and Sonning Avenue, it was decided to close only part of Sonning Avenue contained within Qualico's subdivision.

On June 12th, 1986, Council passed By-law No. 4323/86 closing the easterly portion of Sonning Avenue contained within DASZ 39/84.

The Manitoba Hydro property was sold eliminating the need for access over the remaining open portion of Sonning Avenue. The former Land Surveys and Real Estate Department, therefore, proceeded with the closing of the balance of the right-of-way, simultaneously, commencing negotiations with the two adjoining owners north and south of the subject right-of-way.

On January 5th, 1988, the former Committee on Works and Operations approved the proposed closing, as shown on Misc. Plan No 6976/1. On January 20th, 1988, council instructed that the necessary by-law be prepared for submission to Council to effect the closing as shown on Misc. Plan No. SBSV 6976/1.

On April 25, 1989, the former Committee on Finance and Administration approved the sale of Parcel B Plan 24055 to Imperial Oil Limited subject to enactment of the closing by-law.
On July 12, 1989, Council enacted Closing By-law No. 5212/89 for the portion of Sonning Avenue east of St. Mary's Road shown as "street closing" on Misc. Plan No. 6976/1 and instructed that the lands comprising same or any parts thereof, be conveyed to such person or persons as the Committee on Finance and Administration may decide. The Department was unsuccessful in negotiating a sale of Parcel "A" to the adjacent owner to the north.

The adjacent property to the north located at 1991 St. Mary's Road subsequently was acquired by the Evangelical Mennonite Conference (EMC) organization for the purpose of building a church.

On May 26, 2003, the Planning, Property and Development Department received a letter from the St. Vital Evangelical Mennonite Church (EMC) proposing an exchange of lands. The proposal stated that EMC would receive Parcel A Plan 24055, shown as subject city property on Misc. Plan No. 6976/2, from the City in exchange for the lands along the front of their property at 1991 St Mary's Road, shown as proposed widening on Misc. Plan No. 6976/2. The front six feet of the EMC property located at 1991 St Mary's Road is required by the City for the widening of St. Mary's Road.

Details of the properties are as follows:

Location:	east side of St. Mary's Road north of Warde Avenue as shown on Misc. Plan No. 6976/2
Size:	a) subject city property – 9,730 sq. ft. b) proposed widening 2,440 sq. ft.
Legal Description:	a) Parcel A Plan 24055 b) part Lots 35 and 36 Plan 19857
Roll Number:	a) 08005980000 b) part 08005977500
Assessed Value:	a) $34,000 b) partial
Certificate of Title:	a) 1119235 b) 1664895
Zoning:	a) C2 – Commercial District b) C2 – Commercial District

Ongoing negotiations have resulted in EMC submitting an offer to purchase the subject city property as shown on Misc. Plan No. 6976/2 for the price of one dollar. The terms and conditions of the offer require EMC to transfer to the City on demand, free and clear of all encumbrances, for road opening/widening purposes the most westerly six feet in width of Lots 35 and 36 Plan 19857 shown as proposed widening on Misc. Plan No. 6976/2. EMC is also required to be fully responsible for all activities and associated costs to create a plan of subdivision for the widening.

There is also a requirement to have the title to the City property consolidated with title to EMC's property.

DISCUSSION:
A recent appraisal of the two properties has shown the properties to be of equal value.

The Planning, Property and Development Department recommends that approval be given for the sale/exchange of lands with the Evangelical Mennonite Conference for the lands shown as "subject city property" and "proposed widening" on Misc. Plan No. 6976/2, in accordance with the terms and conditions of the attached Offer to Purchase for the following reasons:

a) The acquisition of the City land will allow the church to develop their property in a fashion that is acceptable to the adjacent homeowners and neighborhood at large.

b) The exchange is equitable to both the City of Winnipeg and the Evangelical Mennonite Conference.

c) The exchange will enable the City to acquire the land it needs for the widening of St Mary's Road without having to disrupt the landowner or without using the expropriation process.

d) The City will no longer have to maintain the subject lands.

Financial Impact Statement 11-Dec-03

COMMENTS:

There is no financial impact as the value of the lands acquired by the Evangelical Mennonite Conference is the same as the value of the lands that are being opened as street right of way.

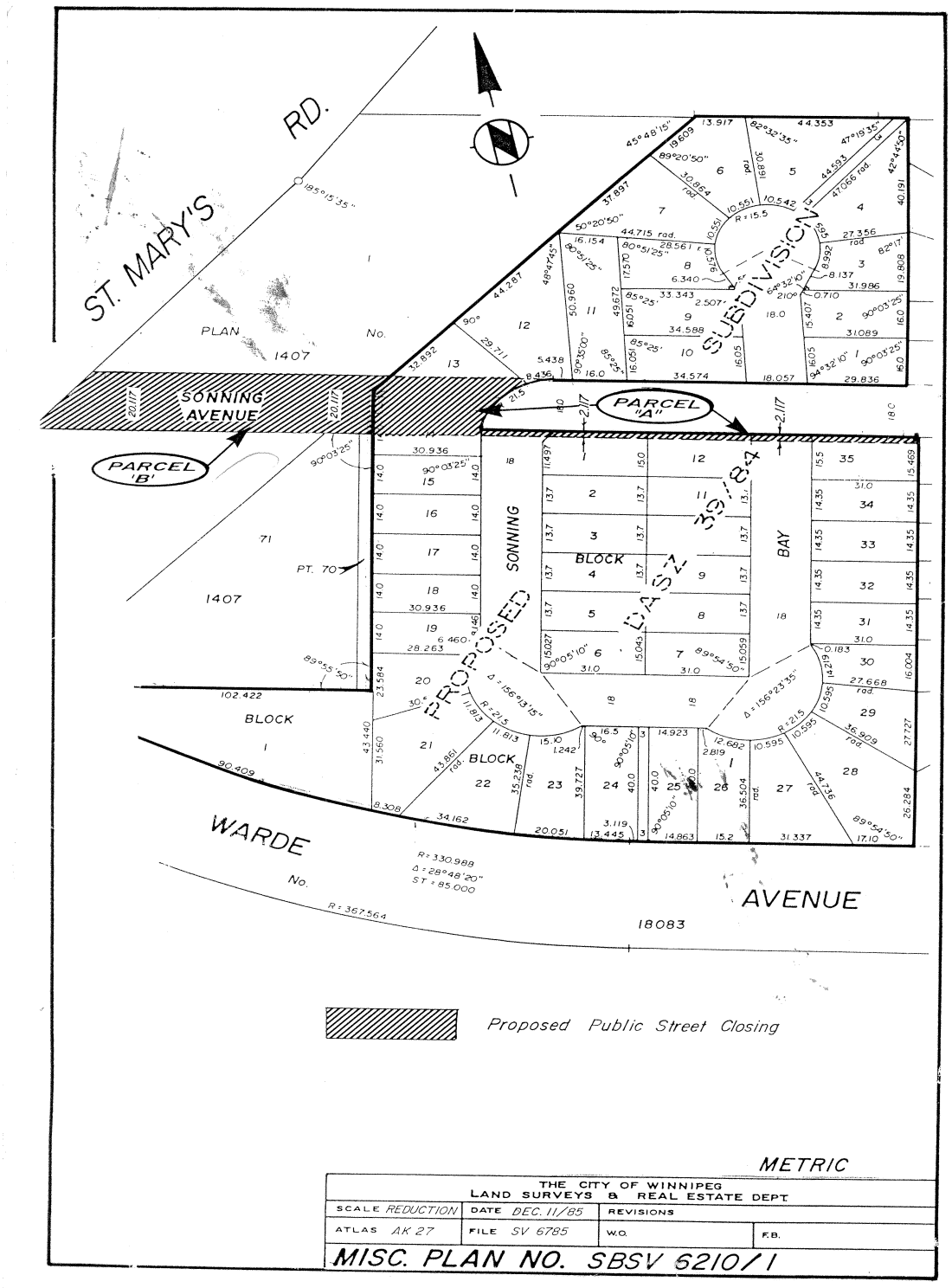
Gord Courage, Manager
Support Services Division

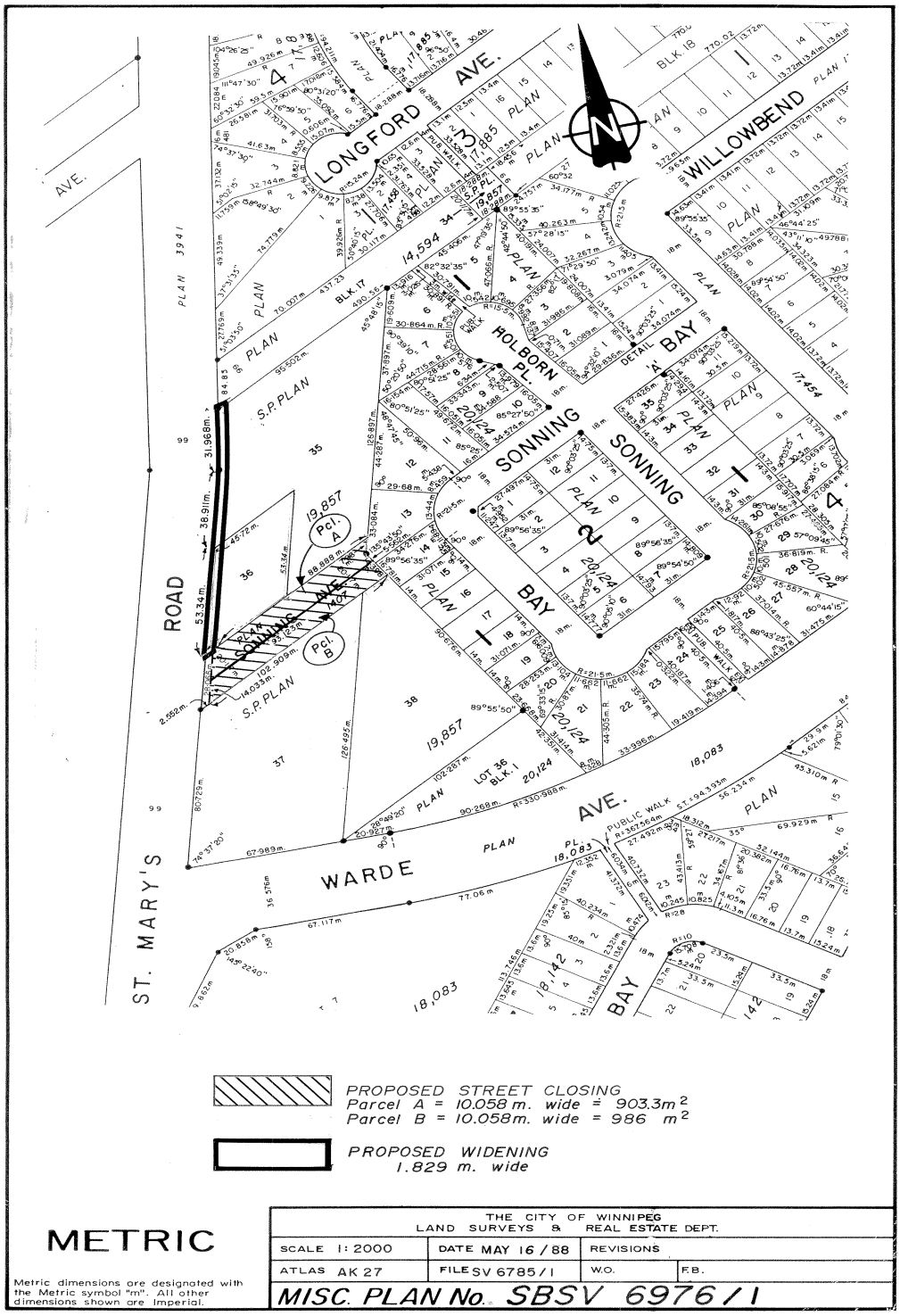
IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:
The Streets and Transportation Division of the Public Works Department.

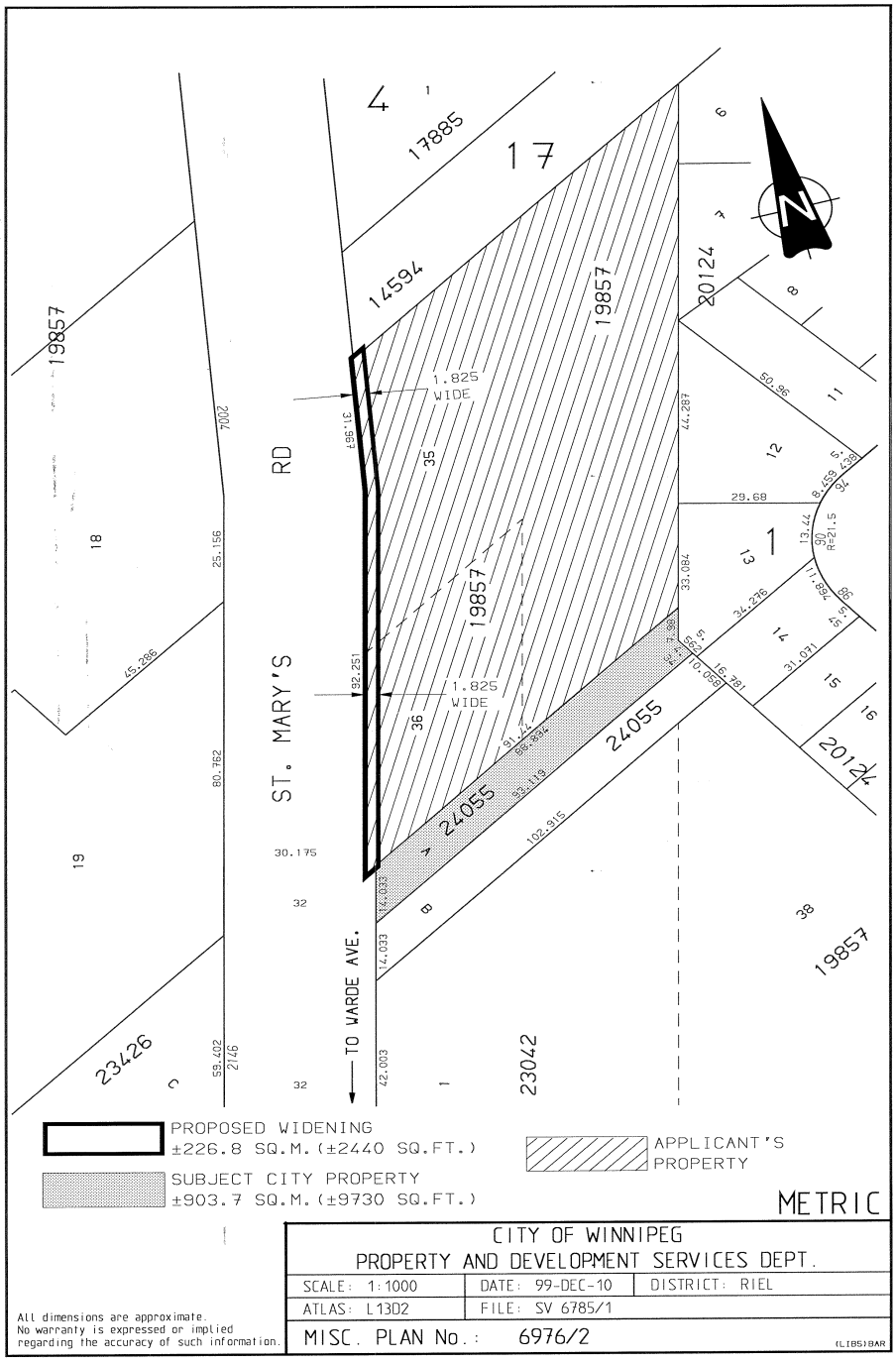
THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Real Estate
Prepared by: Gerry Anderson
PPD File #: 6785/1

Document Name: O:\Reports Directive\Real Estate\Sales\(ga)e-s st mary's rd.doc


ST. MARY'S RD.
PLAN 1407 No.
SONNING AVENUE
PARCEL 'A'
PARCEL 'B'
PROPOSED SUBDIVISION
SONNING BAY
BLOCK
PT. 70
1407
WARDE AVENUE
No. 18083
R = 330.988
Δ = 28°48'20"
ST = 85.000
R = 367.564
Proposed Public Street Closing
METRIC
THE CITY OF WINNIPEG
LAND SURVEYS & REAL ESTATE DEPT
SCALE REDUCTION
DATE DEC. 11/85
REVISIONS
ATLAS AK 27
FILE SV 6785
W.O.
F.B.
MISC. PLAN NO. SBSV 6210/1


LONGFORD AVE.
WILLOWBEND
HOLBORN PL.
SONNING BAY
SONNING BAY
WARDE AVE.
ST. MARY'S ROAD
PLAN 3941
S.P. PLAN
PUBLIC WALK
PROPOSED STREET CLOSING
Parcel A = 10.058 m. wide = 903.3m²
Parcel B = 10.058m. wide = 986 m²
PROPOSED WIDENING
1.829 m. wide
METRIC
Metric dimensions are designated with the Metric symbol "m". All other dimensions shown are Imperial.
THE CITY OF WINNIPEG
LAND SURVEYS & REAL ESTATE DEPT.
SCALE 1: 2000
DATE MAY 16 / 88
REVISIONS
ATLAS AK 27
FILE SV 6785 / 1
W.O.
F.B.
MISC. PLAN No. SBSV 6976 / 1


ST. MARY'S RD
TO WARDE AVE.
1.825 WIDE
1.825 WIDE
19857
17885
14594
20124
24055
23426
23042
PROPOSED WIDENING
±226.8 SQ.M. (±2440 SQ.FT.)
SUBJECT CITY PROPERTY
±903.7 SQ.M. (±9730 SQ.FT.)
APPLICANT'S PROPERTY
METRIC
CITY OF WINNIPEG
PROPERTY AND DEVELOPMENT SERVICES DEPT.
SCALE: 1:1000
DATE: 99-DEC-10
DISTRICT: RIEL
ATLAS: L13D2
FILE: SV 6785/1
MISC. PLAN No.: 6976/2
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.